Court File No.: CV-22-00030791-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

CHIEF JUSTICE GEOFFREY B. MORAWETZ

) FRIDAY, THE 18TH DAY
)
) OF FEBRUARY, 2022

B E T W E E N:

THE CORPORATION OF
THE CITY OF WINDSOR

Applicant

- and -

PERSONS UNKNOWN

Respondents

- and -

ATTORNEY GENERAL OF ONTARIO
and AUTOMOTIVE PARTS
MANUFACTURERS' ASSOCIATION

Intervening Parties

THE DEMOCRACY FUND

Intervenor as Friend of the Court

SUPERIOR COURT OF JUSTICE
COUR SUPÉRIEURE DE JUSTICE

ORDER

THIS APPLICATION, made by the Plaintiff for an made by the Corporation of the City of Windsor, to continue the injunction granted by this Court by Order dated February 11, 2022, under section 440 of the *Municipal Act, 2001*, was heard at Windsor on February 18, 2022 by videoconference.

ON HEARING the submissions of the applicant and intervenors, and reading the materials filed,

1. **THIS COURT ORDERS** that the interlocutory injunction granted on February 11, 2022, is continued pursuant to section 440 of the *Municipal Act, 2001.*

2. **THIS COURT ORDERS** that any persons having notice of this Order are hereby restrained and enjoined from impeding or blocking access to the Ambassador Bridge and indirect or direct approaching roadways and access points, until further order of this Court.

3. **THIS COURT ORDERS** that any persons having notice of this Order are hereby restrained and enjoined from directly or indirectly, by any means whatsoever:

a. breaching the following By-laws of the City of Windsor: By-Law 9148 (Traffic By-Law), By-Law 233-2001 (Vehicle Idling By-Law), By-Law 25-2010 (Protection of Highways By-Law), By-Law 6716 (Noise By-Law); and By-Law 9023 (Parking By-Law);

b. threatening, harassing or intimidating the applicant's employees, servants, agents or other persons engaged in the administration or enforcement of municipal by-laws; and

c. counselling, via social media or otherwise, any person to impede or block access to the Ambassador Bridge and indirect or direct approaching roadways and access points for as long as this Order is in effect;

d. physically preventing, impeding, restricting or in any way physically interfering with, or counselling others to impede, restrict or in any way physically interfere with, another person's compliance with this Order.

4. **THIS COURT ORDERS** that any police officer with the Windsor Police Service, the OPP, and any other police authority (the "Police"), shall have authorization to arrest and remove any person who has knowledge of this Order and who the Police have reasonable and probable grounds to believe is contravening or has contravened any provision of this Order.

5. **THIS COURT ORDERS** that the Police or designated agents shall have authorization to remove any vehicles, personal property, equipment, structures, or other objects that impede or block access to the Ambassador Bridge and approaching roadways.

6. **THIS COURT ORDERS** that the Police shall retain discretion:

a. as to the timing and manner of enforcement of this Order, and specifically retain discretion as to the timing and manner of arrest and removal of any person pursuant to this Order; and

b. to detain and release any person without arrest who the Police have reasonable and probable grounds to believe is contravening, or has contravened, any provisions of this Order, upon that person agreeing abide by this Order.

c. and to lay any charges or take any other lawful action.

7. **THIS COURT ORDERS** that any peace officer and any member of the Police who arrests or arrests and removes any person pursuant to this Order shall have authorization to release that person from arrest upon that person agreeing in writing to obey this Order.

8. **THIS COURT ORDERS** that the Respondents and other persons remain at liberty to engage in a peaceful, lawful and safe protest, that does not impede or block access to the Ambassador Bridge and approaching roadways. For greater certainty, the terms of this Order and any applicable law must be complied with.

9. **THIS COURT ORDERS** that notice of this Order shall be given by the creation of a URL whereby this Order can be viewed and downloaded, with the The Corporation of the City of Windsor, the Automotive Parts Manufacturers' Association and the Attorney General of Ontario issuing press releases containing the URL linking to the Order.

10. **THIS COURT ORDERS** that notice of this Order may be given in the following manners:

a. by posting copies of this Order in or around the City of Windsor;

b. reading the Order to any person, including but not limited to reading the Order over an amplification system;

c. publishing this Order online; and

d. any other manner deemed appropriate by the parties or the Police.

11. **THIS COURT ORDERS** that this Order shall not apply to persons acting in the course of or in the exercise of a statutory duty, power or authority.

12. **THIS COURT ORDERS** that the terms of this Order shall remain in force until varied or discharged by a further Order of the Court.

13. **THIS COURT ORDERS** that service and notice of this application is hereby dispensed with, and that the notice of the February 11, 2022 Order was sufficient and serves as notice of this application so that this application is properly returnable today.

14. **THIS COURT ORDERS** that the terms of this Order bind the respondents and every other person or legal entity who is subject to this Order and is given notice of this Order, as of the time such respondents, person or legal entity first receives notice of the Order, and whether or not such respondents, person or legal entity has been served with a copy of the Order.

CHIEF JUSTICE GEOFFREY B. MORAWETZ

THE CORPORATION OF THE
CITY OF WINDSOR
Applicant

-and-

PERSONS UNKNOWN
Respondent

-and-

ATTORNEY GENERAL OF ONTARIO et al.
Intervenors

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SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT WINDSOR

ORDER

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